

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 389 OF 2021

1. Rohitkumar Mahavirprasad Sharma
 2. Sarla Pareshkumar Trivedi
 3. Pareshkumar Rajkishor Trivedi
- ...Applicants

Versus

1. The State of Maharashtra
 2. Rekha Rohitkumar Sharma
- ...Respondents

Mr. Sujit Shelar for the Applicants.

Mr. K.V. Saste, A.P.P for the Respondent-State.

Ms. Karuna Yadav for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.
DATE : 25th NOVEMBER, 2022

P.C. :

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives

notice on behalf of the respondent No.1–State. Ms. Karuna Yadav waives notice on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. I-65 of 2019 registered with the Valiv Police Station, Palghar, for the alleged offences punishable under Sections 498A, 406, 323, 504, 506 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The applicant No.1 is the husband of the respondent No.2 and the applicant Nos.2 and 3 are the in-laws. It appears that the applicant Nos.1 and 2 got married at Goregaon, Mumbai on 14th February, 2014, after which, the respondent No.2 started residing in her matrimonial house. According to the respondent No.2, as she was ill-treated and harassed, she lodged the aforesaid FIR as against the applicants alleging the aforesaid offences. Admittedly, chargesheet has not been filed in the said case.

5. In the interregnum, during the pendency of the investigation of the aforesaid C.R., the parties amicably settled their dispute. We are informed that divorce by mutual consent under Section 13-B of the Hindu Marriage Act is allowed. Learned Counsel relied on the judgment and order passed by the learned Judge, Family Court, Mumbai, dated 2nd July, 2021, evidencing the same. In the said proceeding i.e. before the Family Court, the parties had filed Consent terms. The said Consent Terms are at page 42 of the application.

6. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 23rd November, 2022, duly notarized before the Notary. In the said affidavit, the respondent No.2 has stated that she has resolved all her misunderstandings and has amicably settled the dispute and as such, has no objection for quashing of the aforesaid C.R. the said affidavit is taken on record.

7. The respondent No.2 is present in person. On questioning, she re-iterates what is stated by her in her affidavit.

Learned Counsel for the respondent No.2 has tendered a photocopy of the Aadhar Card of the respondent No.2 duly attested by her. The same is taken on record. The respondent No.2 has been identified by her Counsel. The original Aadhar Card of the respondent No.2 is verified by the learned APP.

8. Considering the nature of dispute, the amicable settlement between the parties, the Consent Terms entered into between them, the affidavit of the respondent No.2 and the judicial pronouncements of the Apex Court in the case of *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the application.

9. The application is accordingly allowed and the FIR bearing C.R. No. I-65 of 2019 registered with the Valiv Police Station, Palghar, is quashed and set-aside.

10. Rule is made absolute in the aforesaid terms. Application

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

is disposed of accordingly.

11. All concerned to act on the authenticated copy of this order.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.